IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

WP(C).No. 22798 of 2006(L)

PETITIONER:

V. GOPALAKRISHNAN NAIR,
(DRIVER, KSRTC, PARASSALA RETD.ON 30/9/1999)
PARAKULATHU MELE PUTHENVEEDU,
IDICHAKKAPLAMOODU, PARASSALA P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.K.P.RAJEEVAN

RESPONDENTS:

1. THE SECRETARY TO GOVERNMENT,
TRANSPORT DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE KERALA STATE ROAD TRANSPORT
CORPORATION, REPRESENTED BY ITS
MANAGING DIRECTOR, TRANSPORT BHAVAN,
FORT, THIRUVANANTHAPURAM.

3. THE ASST.PERSONNEL OFFICER (PENSION)
KSRTC, TRANSPORT BHAVAN, FORT,
THIRUVANANTHAPURAM.

4. THE DISTRICT TRANSPORT OFFICER,
KSRTC, PARASSALA DEPOT., THIRUVANANTHAPURAM.

R1 BY ADV. SRI. K.J. MOHAMMED ANZAR, GOVT. PLEADER.
R2 TO R4 BY ADV. SRI.K.PRABHAKARAN, SC, K.S.R.T.C.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/02/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC : 22798/2006

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF ADVICE NO.R1 B(2) 36457/88 DT.9.8.90 OF KERALA PUBLIC SERVICE COMMISSION.

EXT.P2 : TRUE COPY OF MEMORANDUM NO.STC NO.36/90 DT.1.10.1990 SHOWING, THAT THE PETITIONER HAD UNDERGONE TRAINING FROM 6.9.90 TO 1.10.1990.

EXT.P3 : TRUE COPY OF THE POSTING ORDER NO.E2.4063/90/PSLA DT.10.10.1990.

EXT.P4 : TRUE COPY OF THE RELIEVING ORDER NO.E2-2544/99/PSLA DT.28.9.1999.

EXT.P5 : TRUE COPY OF THE RELEVANT PAGE OF THE AGREEMENT DT.13.4.1999.

EXT.P6 : TRUE COPY OF THE REPRESENTATION DT.03.04.2000.

EXT.P7 : TRUE COPY OF THE JUDGMENT IN OP.13807 OF 2000 DT.30.05.2000.

EXT.P8 : TRUE COPY OF MEMORANDUM NO.PLB 9-34603/99 DT. 17.08.2000.

EXT.P9 : TRUE COPY OF JUDGMENT IN OP NO.25234/2000 DT.08.08.2005.

EXT.P10 : TRUE COPY OF ORDER NO.PA 20.034603/99 DT.24.12.2005 ISSUED BY THE 1ST RESPONDENT.

EXT.P11 : TRUE COPY OF ORDER NO.PA 20.034603/99 DT.06.01.2006 ISSUED BY THE 3RD RESPONDENT.

EXT.P12 : TRUE OCPY OF ORDER NO.PA 20.034603/99 DT.02.02.2006.

PIUS C. KURIAKOSE, J.

W.P.(C) No. 22798 OF 2006

Dated this the 20th day of February, 2007

JUDGMENT

I find force in the submission of Mr.K.P.Rajeevan that the principles laid down by a Division Bench of this Court in **Lekshmanan v. State of Kerala**(1995 (1) KLT 115) is to be followed in this case also. By applying those principles, Exts.P10, P11 and P12 are liable to be quashed. I quash Exts.P10, P11 and P12 and hold that the petitioner has put in total service of 9 years and 26 days inclusive of the pre-appointment training undergone by him. Accordingly there will be an order directing the respondents to sanction and disburse monetary benefits such as monthly pension, leave surrender and other pensionary benefits to the petitioner after adjusting whatever amounts have already been paid to the petitioner by way of provisional pension. The monetary benefits becoming due by virtue of the above order will be released to him within three months of receiving copy of this judgment. If there is further delay in the matter of releasing the amounts, the DCRG amount will carry interest at the rate of 12% per annum.

PIUS C. KURIAKOSE, JUDGE

btt